

LODGING ESTABLISHMENT REGULATIONS

K.A.R. 28-36-33 THROUGH K.A.R. 38-36-49



KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT
Topeka, Kansas 66612-1274

785-296-5600

INTRODUCTION

These regulations are printed for easy use by the operators of lodging establishments. The format is one of the regulations in the center of the page with item numbers and reasons or interpretations for demerits at the side of the regulations. This is for quick and easy location of the regulations that pertain to inspection reports given to operators at the time of inspections.

K.S.A. 36-517

Lodging establishments; smoke detectors for deaf
and hearing impaired.

(a) Every licensed lodging establishment designated as a hotel shall provide at no additional charge to deaf and hearing impaired guests, upon request of such guests, portable smoke detectors of the type suitable for providing visual warning to such guests, or a room equipped with fixed visual warning smoke detectors or a ground floor guest room accessible to the out-of-doors. Each licensed lodging establishment designated as a hotel shall have available for such guests not less than one portable visual warning smoke detector, or one room equipped with a fixed visual warning smoke detector or one ground floor guest room accessible to the out-of-doors for each 50 guest rooms of such lodging establishment, except that no such lodging establishment designated as a hotel shall be required to have more than a total of six portable visual warning smoke detectors, or six rooms equipped with fixed visual warning smoke detectors or six ground floor guest rooms accessible to the out-of-doors nor shall any such lodging establishment have less than one such smoke detector, or one room equipped with a visual warning smoke detector or one ground floor guest room accessible to the out-of-doors.

(b) This section shall be part of and supplemental to the food service and lodging act. History: L. 1988, ch. 134, 1; July 1, 1989.

DEFINITIONS

Definitions adopted pursuant to K.A.R. 28-36-20, shall be applicable to lodging establishments. (Authorized by K.S.A. 1978 Supp. 36-506; effective May 1, 1979.)

K.S.A. 36-501

a. Hotel

Means every building or other structure which is kept, used, maintained, advertised or held out to the public as a place where sleeping accommodations are offered for pay primarily to transient guests and in which four (4) or more rooms are used for the accommodation of such guests, regardless of whether such building or structure is designated as a cabin camp, tourist cabin, motel or other type of lodging unit.

b. Rooming House

Means every building or other structure which is kept, used, maintained, advertised or held out to the public to be a place where sleeping accommodations are furnished for pay to transient or permanent guests and in which eight (8) or more guests may be accommodated, but which does not maintain common facilities for the serving or preparation of food for such guests.

c. Boarding House

Means every building or other structure which is kept, maintained, advertised or held out to the public to be place where sleeping accommodations are furnished for pay to transient or permanent guests and in which eight (8) or more guests may be accommodated, and which maintains common facilities for the serving or preparation of food for such guests.

d. Lodging Establishment

Means a hotel, rooming house or boarding house.

j. Person

Means an individual, partnership, corporation or other association of persons.

k. Municipality

Means any city or county of this state.

l. Secretary

Means the secretary of health environment.

m. Department

Means the department of health and environment.

28-36-34

WALK WAYS AND DRIVING SURFACES

Walk ways and driving surfaces shall be constructed to pose no walking or driving hazards. Walking and driving surfaces shall be constructed to facilitate drainage and eliminate standing water. This regulation shall not conflict with applicable local codes having requirements equally stringent. (Authorized by K.S.A. 1978 Supp. 36-506; effective May 1, 1979.)

Item/Interpretation

- 1 Constructed
- 3 Litter
- 2 Good Repair
- 30 Installed

28-36-35

FLOORS, WALLS, AND CEILINGS

Floors in public areas, guest rooms other than toilet areas, may be covered with carpet that is maintained clean and in good repair. Junctures between floors and walls in guest rooms and public areas shall be coved or finished with mopboards or otherwise constructed to be easily cleanable. Walls and ceilings shall be cleaned and maintained in good repair. (Authorized by K.S.A. 1978 Supp. 36-506; effective May 1, 1979.)

- 7 Maintained
- 15 Floor Grouting
- 9 Carpeting
- 10 Walls, ceilings
- 15 Walls, ceilings

28-36-36

FURNISHINGS

Furniture in guestrooms and public use areas shall be clean, constructed so as to be easily cleanable, and maintained in good repair. Linens used by guests shall not be used as dusting or wiping cloths on furniture, walls, equipment attached thereto, vanities, lavatories, or toilet fixtures. (Authorized by K.S.A. 1978 Supp. 36-506; effective May 1, 1979.)

- 13 Clean/Good Repair
- 15 Good Repair
- 16 Good Repair
- 26 Wiping Cloths

28-36-37

LIGHTING

Exterior walking surfaces and corridors routinely used or used in the event of emergency by guests of the facility shall be provided with at least ten (10) foot candles of light. (Authorized by K.S.A. 1978 Supp. 36-506; effective May 1, 1979.)

- 6 Adequate
- 11 Lighted

CLEANING, SANITIZATION, AND STORAGE OF DRINKING GLASSES

- (a) Drinking glasses provided for use by guests may be of single service or multi-use construction. Item/Interpretation

When drinking glasses are used which are constructed for single service use only, they shall be used only once and then discarded in a manner that prohibits reuse. When drinking glasses are used which are constructed for multiple use, they shall, prior to being distributed to guest rooms or other areas for use, be washed, rinsed, and sanitized. Washing of drinking glasses in guest rooms shall be prohibited.

29 Reuse

25 Sanitized

25 Sanitized

(1) Manual washing, rinsing, and sanitizing of drinking glasses shall be conducted in a sink with at least three (3) compartments supplied with hot and cold potable running water. Manual washing, rinsing, and sanitizing shall be conducted in the following sequence:

23 Designed

32 Hot & Cold

(A) Sinks shall be cleaned prior to use.

23 Operated

27 Clean

(B) Drinking glasses shall be thoroughly washed in the first compartment with a hot detergent solution that is kept clean.

23 Operated

25 Washed

(C) Drinking glasses shall be rinsed free of detergent and abrasives with clean water in the second compartment.

25 Rinsed

27 Clean

(D) Drinking glasses shall be sanitized in the third compartment according to one of the following methods:

23 Operated

25 Sanitized

(i) Immersion for at least one-half (1/2) minute in clean hot water at a temperature of at least one hundred seventy degrees Fahrenheit (170°); or

25 Sanitized

(ii) Immersion for at least one (1) minute in a clean solution containing at least fifty (50) parts per million of available chlorine as a hypochlorite and at a temperature of at least seventy-five degrees Fahrenheit (75°F); or

25 Sanitized

(iii) Immersion for at least one (1) minute in a clean solution containing at least twelve and five tenths (12.5) parts per million of available iodine and having a pH not higher than five (5.0), and at a temperature of at least seventy-five degrees Fahrenheit (75°F); or

25 Sanitized

(iv) Immersion in a clean solution containing any other chemical sanitizing agent allowed by the regulatory authority that will provide the equivalent bacterial effect of a solution containing at least fifty (50) parts per million of available chlorine as a hypochlorite at a temperature of at least seventy-five degrees Fahrenheit (75°F) for one (1) minute.	25 Sanitized
(2) When hot water is used for sanitizing, the following facilities shall be provided and used;	23 Operated 25 Sanitized
(A) An integral heating device or fixture installed in, on, or under the sanitizing compartment of the sink capable of maintaining the water at temperature of at least on hundred seventy degrees Fahrenheit (170°F); and	23 Installed
(B) A numerically scaled indicating thermometer accurate to plus or minus three degrees Fahrenheit ($\pm 3^{\circ}\text{F}$), convenient to the sink for frequent checks of water temperature; and	24 Thermometer
(C) Dish baskets of such size and design to permit complete immersion of the drinking glasses in the hot water.	23 Designed
(3) When chemicals are used for sanitization, they shall not have concentrations higher than the maximum permitted by these regulations and a test kit or other device that accurately measures the parts per million concentration of the solution shall be provided and used.	42 Used 24 Kit
(4) Cleaning and sanitizing of drinking glasses may be done by spray type or immersion dishwashing machines or by any other type of machine or device if it is demonstrated that it thoroughly cleans and sanitizes drinking glasses. Mechanical cleaning and sanitizing shall be conducted in accordance with K.A.R. 28-36-24(4).	25 Sanitized 23 Maintained
(5) After sanitization, all drinking glasses shall be air dried.	23 Operated
(6) Drain boards or easily movable dish tables shall be provided for proper handling of soiled drinking glasses prior to washing and for cleaned drinking glasses following sanitizing.	23 Designed
(7) Cleaned and sanitized drinking glasses shall be handled in a way that protects them from contamination. Drinking glasses shall be handled without contact with the inside surfaces or surfaces that contact the user's mouth.	25 Stored

(b) Glasses

May be washed, rinsed, and sanitized using the equipment of a licensed food service establishment operated in connection with the lodging establishment.

(c) Storage

- | | |
|--|---|
| (1) Cleaned and sanitized drinking glasses shall be stored at least six (6) inches above the floor in a clean, dry location in a way that protects them from contamination by splash, dust, and other means. Drinking glasses shall not be placed under exposed sewer lines or water lines except for automatic fire protection sprinkler heads that may be required by law. | 25 Stored
27 Clean
25 Stored |
| (2) Drinking glasses shall be stored inverted. | 25 Stored |
| (3) Drinking glasses shall be stored in guest rooms in a way that protects them from contamination. | 25 Stored |
| (4) Single service drinking glasses shall be stored at least six (6) inches above the floor in closed cartons or containers which protect them from contamination and shall not be placed under exposed sewer lines or water lines except for automatic fire protection sprinkler heads that may be required by law. | 28 Stored |
| (5) Single service drinking glasses shall be handled and dispensed in a manner that prevents contamination of surfaces which may come in contact with food or with the mouth of the user. | 28 Stored
28 Dispensed |
| (6) The storage of single service or multi-use drinking glasses in toilet rooms or vestibules is prohibited. | 28 stored
25 Stored |
| (d) Ice buckets or containers used for the dispensing of ice shall comply with all requirements established for drinking glasses pertaining to washing, rinsing, sanitizing, storage, reuse, and protection from contamination. The reuse of unprotected styrofoam ice containers is prohibited. (Authorized by K.S.A. 1978 Supp. 36-506; effective May 1, 1979.) | 23 Installed
25 Ice Baskets
25 Facilities
22 Stored
29 Re-Use |

28-36-39

ICE DISPENSING

Item/Interpretation

(a) In all new, newly constructed or extensively remodeled facilities ice dispensing equipment shall be constructed or located to prevent the direct accessibility to bulk ice storage compartments by guests or the public.

21 Dispensed
21 Stored
21 Guests
22 Stored

This requirement shall be met by the use of automatic ice dispensing machines, prepackaged ice, containers of ice provided by employees from ice sources inaccessible to guests or the general public, or by any other method approved by the regulatory authority. In existing lodging establishments all replacement ice making equipment shall be of such design construction or location to prevent accessibility to bulk ice storage compartments by guest or the public. Ice not manufactured on the premises shall be obtained from an approved source and manufactured from potable water.

21 Dispensed
21 Guests
21 Guests
20 Source

(b) Ice bins shall be cleaned at least monthly or more often if necessary.. (Authorized by K.S.A. 1978 Supp. 36-506; effective May 1, 1979.)

27 Clean

28-36-40

TOILET ROOMS AND VESTIBULES

(a) In all new, newly constructed, or extensively remodeled lodging facilities separate and complete toilet facilities shall be provided for each individual lodging unit.

15 General

(b) Toilet room floors

(1) Floors in toilet rooms shall be constructed of smooth, nonabsorbent, easily cleanable materials and maintained in good repair.

15 Good Repair

(2) Junctures between toilet room floors and walls shall be provided with coving to facilitate cleaning

15 Floor Grouting

(3) Carpeting is prohibited in toilet rooms.

9 Carpeting

(4) Carpeting may be permitted in vestibules if kept cleaned and maintained in good condition.

10 good Repair

(c) Toilet room fixtures

- (1) Toilet room fixtures shall be of sanitary design and maintained in good condition. 16 Good Repair
17 Sanitized/
Good Repair
- (2) Floors of bathtubs and showers shall be designed or provided with non-slip surfaces. 19 Sanitized/
Good Repair
- (3) Lavatories shall be provided with hot and cold potable running water under pressure by means of a mixing valve or combination faucet. The temperature of hot water supplied to any guest room shall not exceed one hundred thirty degrees Fahrenheit (130°F). 19 Good Repair
32 Hot & Cold
32 Pressure
32 Safe
30 Installed

(d) Toilet room walls and ceilings

- Walls including those in showers and bathtub enclosures shall be smooth, nonabsorbent and easily cleanable. Walls and ceilings shall be maintained in good repair. 15 Walls & Ceiling
15 Good Repair

(e) In all new, newly constructed, or extensively remodeled

- Lodging facilities toilet rooms shall be mechanically vented to the outside, or by an approved recirculating and filtering systems. (Authorized by K.S.A. 1978 Supp. 36-506; effective May 1, 1979.) 37 Vented

28-36-41**INSECT AND RODENT CONTROL**

- (a) Effective measures to minimize the presence of rodents, flies, cockroaches and other insects on the premises shall be utilized. The premises shall be kept in such condition as to prevent the harborage or feeding of insects or rodents. 36 Pressure

- (b) Openings to the outside shall be effectively protected against the entrance of rodents. Outside openings shall be protected against the entrance of insects or rodents by tight fitting doors, closed windows, screening, or other means. Screens for windows, doors, skylights, intake and exhaust air ducts, and other openings to the outside shall be tight fitting and free of breaks. Screening materials shall not be less than sixteen (16) mesh to the inch. (Authorized by K.S.A. 1978 Supp. 36-506; effective May 1, 1979.) 36 Openings
14 All Doors,
Windows
34 Containers
35 Outside

HOUSEKEEPING FACILITIES AND EQUIPMENT**(a) Service Carts.****Item/Interpretation**

Maid's carts or service carts shall be maintained to prevent cross contamination between soiled and clean linens. Provisions shall be provided to protect drinking glasses and ice buckets from contamination by soiled linens, cleaning and sanitizing agents, poisonous and toxic materials, or other sources of contamination.

40 Maintained
44 Properly Stored
25 Stored
44 Soiled Linen
42 Properly Stored

(b) Janitor's Facilities.

(1) A specific area or location shall be provided for the storage and maintenance of cleaning supplies and equipment.

41 Properly Stored

(2) Cleaning supplies and equipment shall not be stored with clean linens, food, or food utensils.

41 Properly Stored
44 Clean Linen

(3) Cleaning supplies and equipment shall be stored in a manner preventing cross contamination of cleaned linens. (Authorized by K.S.A. 1978 Supp. 36-506; effective May 1, 1979.)

41 Properly Stored
42 Properly Stored

28-36-43

LAUNDRY FACILITIES

(a) A laundry shall be provided unless commercial laundry facilities are used.

43 Room &
Equipment

(1) Laundry for the facility done commercially either entirely or in part shall have:

(A) Adequate space for sorting and storing soiled linens;

44 Properly Stored

(B) Storage space located to preclude cross contamination of clean linens;

43 Clean
42 Toxic

(C) Storage space located to facilitate convenient pickup and delivery.

44 Stored

(2) Laundry done in the lodging establishment either entirely or partially shall:

(A) Be located in areas that are not used by guests or the public, and not used as corridors or passageways;

4 Hallways
41 Maintained

(B) Be arranged so as to provide for the physical or functional separation of clean and dirty areas; 44 Properly Stored

(C) Laundry rooms shall be kept clean and free from accumulated lint and dust; 43 Free Of

(D) Laundry rooms shall not be used for storage of equipment or supplies not related to the laundering process. 41 Unnecessary Articles

(b) Laundry carts or maid's carts shall not permit cross contamination between soiled and clean linens. (Authorized by K.S.A. 1978 Supp. 36-506; effective May 1, 1979.) 40 Designed/ Operated

28-36-44

PLUMBING AND ELECTRICAL WIRING

(a) Plumbing

In all new, newly constructed, or extensively remodeled lodging establishments, plumbing shall be installed and maintained in accordance with applicable local plumbing codes. In the absence of local plumbing codes, plumbing shall be installed and maintained in accordance with the latest edition of the uniform plumbing code. In all lodging establishments constructed and licensed prior to enforcement of this regulation all plumbing shall be installed and maintained to prevent backflow, backsiphonage and cross connections from occurring. All plumbing systems shall be maintained to prevent leakage or seepage from either water supply or sewage disposal systems.

30 Installed

30 Code

31 Backsiphonage

50 Maintained

(b) Electrical Wiring

In all new, newly constructed, or extensively remodeled lodging establishments, electrical wiring shall be installed in accordance with applicable local codes. In the absence of such local codes, electrical wiring shall be installed in accordance with the latest edition of the national electrical code. In facilities constructed and licensed prior to effective date of this regulation electrical wiring systems shall be maintained to present no hazard. (Authorized by K.S.A. 1978 Supp. 36-506; effective May 1, 1979.)

30 Installed

30 Code

30 Maintained

28-36-45

PERSONNEL

Item/Interpretation

(A) The outer clothing of all employees shall be clean.

38 Clean Clothes

Employees shall maintain a high degree of personal cleanliness and shall conform to good hygienic practices during all working periods in the lodging establishments.

39 Good Hygienic Practices

(b) All personnel infected with a disease in a communicable form or having communicable skin lesions shall be restricted from work until well. (Authorized by K.S.A. 1978 Supp 36-506; effective May 1, 1979.)

39 good Hygienic Practices

28-36-46

WATER SUPPLY

Sufficient potable water to meet the needs of any of any lodging establishment shall be provided from a source constructed and operated according to K.S.A. 65-163. (Authorized by and implementing K.S.A. 36-506; effective May 1, 1983.)

32 Source

28-36-47

SEWAGE

All sewage generated by and lodging establishment shall be disposed of by a public sewer system or by a sewage disposal system constructed and operated according to K.S.A. 65-164 et seq. Nonwater carried sewage disposal facilities shall be permitted only as approved by the regulatory authority in response to emergency occurrences. (Authorized by and implementing K.S.A. 36-506; effective May 1, 1983.)

33 Sewage

28-36-48

BEDDING

Clean bed linens, unused by any other person since the last laundering, shall be furnished on all beds available for use by any guest or patron. Beds, mattresses, bed coverings and pillow shall be kept clean, free from dust, dirt and vermin. No bedding shall be used which is badly worn or unfit for further use. (Authorized by and implementing K.S.A. 356-507; effective May 1, 1983.)

12 Clean

12 Good condition

28-36-49

SOAP AND TOWELS

Item/Interpretation

Soap and clean towels and wash cloths, unused by any other person since the last laundering, shall furnished daily to each guest. (Authorized by and implementing K.S.A. 36-507; effective May 1, 1983.)

18 Soap & Towels
8 Soap & Towels